

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION)

NUMBER 55-8367 (a16687))

MEMORANDUM DECISION

Change Application Number 55-8367 (a16687), in the name of USA Bureau of Reclamation, was filed on April 16, 1992, to change the point of diversion, place and nature of use of 0.251 cfs of water as evidenced by a portion of the Provo River Decree, Civil Number 2888 awards, Page 59, Paragraph 78, under Water Right Numbers 55-8367, (1st Class) and 55-8368 (17th Class). Heretofore, the water has been diverted from springs tributary to Provo River, located North 1975 feet and East 2250 feet from the SW Corner of Section 11, T4S, R4E, SLB&M, and used for the irrigation of 10.00 acres, and fish culture in the SW¼ of Section 11, T4S, R4E, SLB&M.

Hereafter, it is proposed to divert 0.251 cfs of water from spring, located North 1850 feet and East 3000 feet from the SW Corner of Section 3, T5S, R4E, SLB&M, to be used for the irrigation of 2.00 acres, and the domestic purposes of 250 persons, and commercial uses for store, cafe, and boat camp in the NW¼ of Section 3, T5S, R4E, SLB&M.

The application was advertised in The Wasatch Wave from April 29, 1992, to May 13, 1992, and was not protested.

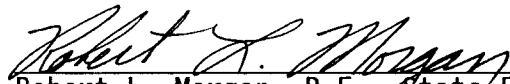
It appears that the change application can be approved without impairing the rights of others, provided certain conditions are imposed.

It is, therefore, **ORDERED** and Change Application Number 55-11476 (a16688) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) No more water can be diverted and utilized from the new point of diversion than the applicant would have received from the springs under the awards in the Provo River Decree.
- 2) The applicant shall install permanent totalizing meters to measure all water diverted. The meter(s) shall be made available for inspection by the River Commissioner at all reasonable times as may be necessary in regulating this change.
- 3) The applicant shall report all water diverted to the River Commissioner and the River Commissioner shall submit that information in his annual report to the State Engineer.
- 4) The proposed uses will utilize all water that has been utilized under the portion of Water Right Numbers 55-11454 and 55-11455 that the applicant has acquired.
- 5) This change application replaces Exchange Application Number E2422 which shall be rejected.

This Decision is subject to the provisions of Rule R655-6-17 (1992 Utah Administrative Code--formerly R625) of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20th day of November, 1992.

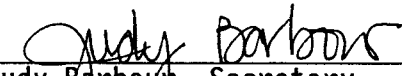

Robert L. Morgan, P.E., State Engineer

RLM:JER:jb

Mailed a copy of the foregoing Memorandum Decision this 20th day of November, 1992, to:

USA Bureau of Reclamation
P.O. Box 51338
Provo, UT 84605

Stanley H. Roberts, Jr.
River Commissioner
1675 South 350 East
Orem, UT 84058

BY: 
Judy Barbour, Secretary